IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION II

NO. 44731-2

CLALLAM COUNTY CAUSE NO. 13-1-00040-6

STATE OF WASHINGTON,

Respondent,

vs.

LARRY STIGALL

Appellant.

ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR

BRIEF OF RESPONDENT

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ISSUE SIX

Did the trial court err when it admitted evidence of other acts in violation of the protection order?

STATEMENT OF THE CASE

404 (b)

Prior to presenting any testimony, the State proposed to admit four prior incidents during Ms. White's testimony related to Mr. Stigall's harassment (RP 19). The State indicated the purpose for the prior incidents was to "explain something about the course of their relationship, and in particular why she got a restraining order to begin with" (RP 20). The State also indicated to the trial court that "the pattern of violation of a protection order, pattern of harassment should be admitted" (RP 21). Mr. Stigall argued other acts were not admissible to prove motive, because motive is not an element of the crime charged (RP 23). He also objected to admission of other acts as part of a common scheme or plan (RP 24) because the case law he cited indicated that the exception only permitted prior acts that "purposely lead" up to the charged assault (RP 24-26). Mr. Stigall then argued the State wished to present the evidence only to create prejudice because "it is not probative of whether this event occurred at all..." (RP 27).

The Court ruled that the four acts were admissible because the assault was domestic violence:

> I think it's important to note that a domestic violence

> assault case is very different and very unique from most of the other felony counts that we see in superior court where the relationship between the parties is really irrelevant and immaterial. Past acts are usually irrelevant and immaterial, but in the DV violation of protection order arena, it's one unique area where the relationship between the parties legally is not only part of the crime or element of the crime but the relationship in a general sense is the setting in which the criminal acts are alleged to have occurred, and that makes it very different in the Court's opinion.
>
> I am going to allow testimony by the alleged victim and Mr. Strean, if they are eye witness accounts of the 4 incidents that I previously referred to. I think the State has the obligation to prove knowledge and intent as I read the statute and the proposed instructions, and through proof of the relationship the State may be able to establish knowledge of the existing protections that were in place and an intent to either violate protections or to harass the alleged victim. In addition to that, the incident in question is, and the incidents that led to these charges are remarkable, similar in the modus operandi, I think that tends to go to the issue of the credibility of the victim and also to the proof of the crime itself.
>
> In other words, these are, while they're isolated in terms of time, the methods employed, the place they occur, either on foot or by bike, the calling of names, the very minor damage to property is a common scheme and thread throughout these 4 incidents, which also applies to the incident in question. So, for those 2 reasons, the proof of intent and knowledge and the proof of common scheme and plan, I am going to admit the testimony with the understanding that the alleged victim is not going to be allowed to testify about anything that is outside of her personal knowledge or observations.

(RP 28-30).

Mr. Stigall then objected to admission of two of the four incidents because they allegedly occurred "after the incident we're dealing with here, and I'm struggling about how that can be part of a common scheme or plan..." (RP 32). Mr. Stigall also objected to admission of the

protection order, but his only argument was "I don't think it is in any, way shape or form admissible" (RP 32).

The trial court would not permit the state to enter the petition for the protection order but pointed out that "the fact the protection order was in place is an element the State has to prove..." (RP 32-3).

Tammy White testified that she currently resided with a roommate, Joe Strean, at 829 West 12th, Port Angeles, WA. (RP 36-7). Larry Stigall is an ex-boyfriend with whom she had a romantic relationship for five or six years (RP 37-8). It ended in 2009 (RP 38). Mr. Stigall had never lived at her current address (RP 38).

On September 18, 2012, Stigall came up to an open window in her kitchen and was yelling obscenities to her and calling her names (RP 38). He was angry (RP 40). He asked why she wasn't answering the 'phone (RP 39). She closed the window and he tore a big hole in her screen (RP 39, 40). She heard what sounded like rocks being thrown at the house and air coming out of a tire (RP 39). She had her roommate call 911 (RP 39). She later saw that her front tire was flattened (RP 39).

After the incident, she obtained a protection order (RP 40; exhibit 1, admitted). She testified that the order stated he was not to come within 500 feet of her residence or cause her any physical harm, harass her, or come near her (RP 41). She did not serve the order on Mr. Stigall (RP 41).

She testified that on January 10, (2013) Larry Stigall was pounding on the walls and windows, yelling "let me in" and calling her names (RP 43). She called 911 (RP 43).

She testified that on January 13, 2013, Mr. Stigall was riding by on his bike, but stopped to call her names, punch her mail box, and told her it was her face (RP 45). She walked toward him to confront him (RP 45). The next thing she knew was he was attacking her, threw her against the house, causing her head to hit the side of the house (RP 48). She called 911 and he walked away (RP 48). She received a huge black and blue lump (RP 44). Exhibits 4, 5, 6, and 7, admitted (RP 49) showed the big goose egg on her forehead (RP 49). Later, the goose egg turned black and blue down into and below her eye (RP 51).

She then testified to another incident that occurred on January 19th, when he showed up at her house (RP 52). She called 911 as he walked down the side of her house, pounding on the walls, yelling obscenities (RP 52).

She then testified about January 31st, when Mr. Stigall rode by on his bike, calling her names and punching her mailbox (RP 53). A picture of her damaged mailbox was admitted as exhibit 8 (RP 54).

Joseph Strean testified next (RP 66). He resided with Tammy White, her granddaughter Lexie and her daughter Cree (RP 67). On

September 18, 2012, he was making dinner when "all of a sudden Larry came to the window and started yelling and screaming" (RP 69). Mr. Stigall was yelling that Tammie wasn't answering her phone and he was calling her names (RP 69). Ms. White went to the window to close it so Mr. Stigall punched through the screen (RP 69). The next thing he heard was the sound of her tire being slashed (RP 69). The tire had three new holes in it (RP 70).

Mr. Strearn testified next about January 31st (RP 71). Mr. Strean saw Mr. Stigall ride by on his bike, heard him yelling and screaming at Ms. White, and believes Mr. Stigall punched the mailbox (RP 70-1). After viewing exhibit 8, he testified the damaged mailbox was not like that earlier in the day on the 31st (RP 72).

Officer Fernie testified last. He is employed as a Port Angeles police officer (RP 76). On January 13, 2013 at approximately 1720 hours, he responded to a call that Tammy White had been assaulted (RP 76). She would not open the door at first; when she did, the officer observed she had been crying, her eyes were red, she seemed very shaken and scared at the time RP 77). She told the officer that Larry Stigall had pushed her and she had hit her head on the side of the house (RP 79). She had a bruise and contusion above her left eye (RP 79). He took the photos that became exhibits 4, 5, 6 and 7 (RP 80).

The same officer also responded on January 19, 2013 on a complaint by Tammy White about another violation of court order (RP 81). He was unable to locate Mr. Stigall on either occasion (RP 82).

Service Documents

Before the afternoon testimony on April 1, 2013, the parties addressed the service of the protection order hearing notice on Mr. Stigall (RP 63). The State argued the service document was self-authenticating (RP 64). Mr. Stigall argued the document was certified by a person who had not made the service (RP 65). The trial court ruled it was admissible; any deficiencies would go to weight (RP 65).

When the State moved to admit a copy of the protection order, Mr. Stigall did not object but stated "[w]e're going to want to be heard in that, not this minute but there will be some discussion about that" (RP 50). The trial court admitted the order (RP 50). The return of service was again raised by the State later, stating the three returns of service (CP 61-63; Exhibit 3, admitted) were admissible pursuant to ER 902 (a) and ER 1005 as sealed public records (RP 63-64). Mr. Stigall argued, first, that the object served was incorrectly labeled a permanent order of protection (RP 64; Exhibit 1, Order for Protection). Second, he argued the return of service incorrectly stated the document was received from Tammy White (RP 64; CP 59; Exhibit 3). Third, he argued the Order for Protection was

served by Brian Martin, but sworn to by Pamela Hoffman, a person who had no personal knowledge about whether the document was served (RP 64-5). The Court admitted the return of service, stating that any deficiencies "may go to its weight rather than admissibility" (RP 65).

Mr. Stigall later explained on April 1, 2013 why he felt the trial court erred when it admitted the protection order (RP 89). He again challenged the validity "of service of this order on Mr. Stigall" (RP 91). He also stated that the language in section 9 allowing the respondent to ask for a hearing, "that makes this at best a 14 day temporary order" (RP 92). He argued that the order does not comply with RCW 26.50.060 (RP 93). "The State simply cannot create validity for this order when facially it is invalid" (RP 96). The State asked to brief the issue, which was filed as STATE'S RESPONSE, CP 48, April 2, 2013).

On April 2, 2013 the trial court indicated it had reviewed the State' response (CP 48-61) and determined that Mr. Stigall had been served with the hearing notice before the hearing for the permanent protection order, but the proof of service had not been filed by the Sheriff's Department (RP 104). Mr. Stigall again argued that the lack of proof of service meant the order automatically expired in fourteen days (RP 107-8). He also challenged whether the proof of service was acceptable, arguing that the person who signed the proof of service was not the person who served the

order, so the signer could not swear under oath that service had been completed (RP 109-110).

The State responded with *City of Seattle v. May,* 171 Wn.2d 847, 852, 256 P.3d 1161 (2011), arguing that trial court had authority to enter this order for protection (RP 112). The State pointed out that there was no question about service because "service of summons is perfected at the time of service even if affidavit of service isn't done until some time later" (RP 113). Because there was service, even though the issuing court had no proof of it, the order was valid and not subject to collateral attack (RP 114).

After argument, the trial court found the challenge to the order was untimely holding that the challenge should have been done either pretrial or when the exhibit was offered for admission (RP 116-17). The court then found that the October 12, 2012 protection order was issued by a competent court, and that it was statutorily sufficient (RP 117).

The trial court also addressed the provision in section 9, which permitted Mr. Stigall to request a *de novo* hearing to challenge issuance of the order (RP 118). The court was satisfied that he had been served with notice of the hearing, even though the affidavit of service was not filed until later (RP 119). The court was also satisfied that "he was given an opportunity to challenge this order and could have done so any time up

until the time of the violation" (RP 119). The court then stated that, even if the challenge was timely when raised in trial, the court was still satisfied that "it's issued by a competent court, it's statutorily sufficient for reasons I have explained, and it is clear on its facts what it proscribes..." (RP 119). The court concluded that exhibit 1 would be provided to the jury (RP 119).

Instruction Number 11

The State created what became instruction 11 (CP 45) and presented it to the court (RP 121). Instruction 11 told the jury evidence of other crimes was admissible for a limited purpose, including "assessing the credibility of the victim." Mr. Stigall took no exceptions to the jury instructions (RP 98, 122). After the instruction was rewritten to comply with the court's restrictions on the purposes for which the testimony was offered, it was included with the other jury instructions (RP 122).

ARGUMENT

ISSUE ONE

When a court of competent jurisdiction issues a domestic violence protection order, does the collateral bar rule prohibit a party from challenging the validity of the order when charged with a violation of the order?

RESPONSE

Mr. Stigall's attempt to challenge the validity of the no-contact order in a trial charging him with a criminal act in violation of the order is barred by the collateral bar rule.

I. Standard of Review: *State v. Armendariz,* 160 Wn.2d 106, 111, 156 P.3d 201 (2007) (interpretation of statute is *de novo*).

II. Analysis: "The collateral bar rule prohibits a party from challenging the validity of a court order in a proceeding for violation of the order." *City of Seattle v. May,* 171 Wn.2d 847, 852, 256 P.3d 1161 (2011). The defendant may only challenge whether an order is void:

> An order is void only if there is "an absence of jurisdiction to issue the type of order, to address the subject matter, or to bind the defendant."

Id., quoting from *Mead Sch. Dist. No. 354 v. Mead Educ. Assn.,* 85 Wn.2d 278, 284, 543 P.2d 561 (1975). For an order to be void, the court must lack the power to issue the *type* of order. *May,* 171 Wn.2d at 852, 256 P.3d 1161 (emphasis in original).

City of Seattle v. May, supra, completely controls this issue. The collateral bar rule addressed in *May* is precisely the same issue presented here. In *May,* the defendant challenged the validity of the domestic violence no contact order after he violated it four times. The Supreme Court explained its decision in *State v. Miller,* 156 Wn.2d 23, 123 P.3d 827 (2005), indicating that the trial court's gate keeping function did not suggest that orders may be collaterally attacked after an alleged violation. Unless the trial court finds the order is void – a lack of jurisdiction to enter such an order – then the "challenges should go to the issuing court..."

May, 171 Wn.2d at 853, 256 P.3d 1161.

There is no question the court that issued the domestic violence protection order had both personal and subject matter jurisdiction. Both individuals resided within the court's jurisdiction and the allegations made by Ms. White were sufficient to meet the elements of RCW 26.50 *et seq.* It cannot be attacked in a collateral proceedings related to a violation of the order.

ISSUE TWO

When a competent court issues a protection order seven days after service, including five court days, is the order valid even though the issuing court had not received proof of service?

RESPONSE

RCW 26.50.050 does not require proof of service for an order to be valid. It only requires that the hearing notice was served five court days prior to the hearing.

I. Standard of Review: Interpretation of a statute is *de novo. State v. Armendariz, supra.*

II. Analysis: Mr. Stigall incorrectly reads RCW 26.50.050 to require the court have proof of service before issuing a valid order. RCW 26.50.050 states in pertinent part:

> Except as provided in [statute related to service by publication] and [statute related to service by mail, personal service shall be made upon the respondent not less than five court days prior to the hearing.

Mr. Stigall incorrectly argues the statute requires proof of service. Exhibit three, CP 61, shows Mr. Stigall was served On October 5, 2012 with a temporary order issued on October 5, 2012 for a hearing on October 12, 2012 (Appendix A). Mr. Stigall had all the notice the Court was required to provide under RCW 26.50.050. The "permanent" Order for Protection was issued after adequate notice.

This is what the trial court meant when it referred to the role of the court commissioner (RP 105). The commissioner would have been aware that Mr. Stigall was in custody and would most likely be served the same day.

ISSUE THREE

When the trial court issued a provisional one year no-contact order which permitted the respondent to contest the order in a hearing *de novo,* was Mr. Stigall's right to a hearing and due process preserved?

RESPONSE

The trial court entered an order which would be valid for one year unless the respondent sought review and provided a reason why the order should not be granted. The no-contact order was provisionally granted and provided respondent a full *de novo* opportunity to challenge the order.

I. Standard of Review: Interpretation of a statute is *de novo. State v. Armendariz, supra.*

II. Analysis: The protection order was valid upon entry because the five days notice had passed. Even then, however, the commissioner provided

additional due process to Mr. Stigall by permitting him a new hearing with an opportunity to contest the order's issuance *de novo.* Depending on when Mr. Stigall challenged the order, the order could have been for less than 14 days, or 24 days, or 1 year. Mr. Stigall had the power in his hands to challenge the no-contact order at any time within a year, prior to violating it. RCW 26.50.115. The order, therefore, was not a permanent order that would deny him an opportunity to challenge it at any point in the year.

ISSUE FOUR

Did the trial court err when it accepted the proof of service documents?

RESPONSE

Admission of evidence is a matter of trial court discretion.

I. Standard of Review: Whether the trial court abused its discretion in a manner no reasonable person would have decided the matter as the trial court did. *State v. Thomas,* 150 Wn.2d 821, 856, 83 P.3d 970 (2004).

II. Analysis: Mr. Stigall complains the proof of service was inadequate because the person who served the notices was not the person who signed the certificate of service.

First, the validity of a no-contact order is not an element of the crime with which he was charged. *Miller,* 156 Wn.2d at 24, 123 P.3d 827. The order's validity is a question of law that must be determined by the

trial court. "The trial judge should not permit an invalid, vague, or otherwise inapplicable no-contact order to be admitted into evidence." *Id.* Whether the trial court as a gate keeper believed law enforcement provided adequate notice to Mr. Stigall is within the trial court's province. Under the facts of this case, the trial court did not have any reason to doubt that service had been completed.

Second, admission of evidence is a matter of discretion. *Thomas,* 150 Wn.2d at 856, 83 P.3d 970. The trial court knew that Pamela J. Hoffman is a Clallam County Sheriff's Department employee (RP 119). Based on all the information before it, the trial court stated:

> "I'm satisfied from the return that M. Stigall was served with these documents, that's the critical issue, and that he was given an opportunity to challenge this order and could have done so any time up until the time of the violation. And I'm – actually have allowed him to do so today. And I do find that the order is applicable, it's issued by a competent court, it's statutorily sufficient for reasons that I have explained, and it is clear on its face what it proscribes and if a jury finds that it has been violated, so be it. If they find that it has not been violated, so be it. But exhibit 1 will go to the jury and the Court does find that it is applicable to the violation."

(RP 119).

The trial court correctly determined the protection order was admissible.

ISSUE FIVE

When the trial court informs the jury that certain evidence is limited to

helping them in "assessing the credibility of the victim" and has also informed them they "are the sole judges of the credibility of each witness," has the trial court sufficiently informed the jury they are to determine all issues of credibility?

RESPONSE

In the context in which the word "victim" was used, the trial court made it clear that witness credibility was completely the jury's domain.

I. Standard of Review: Jury instructions are reviewed *de novo*. *State v. Levy,* 156 Wn.2d 709, 721, 132 P.3d 1076 (2006).

II. Analysis: "The fundamental question underlying our analysis of judicial comments is whether the mere mention of a fact in an instruction conveys the idea that the fact has been accepted by the court as true." *Levy,* 156 Wn.2d at 726, 132 P.3d 1076. In other words, in order for instruction 11 to be a comment on the evidence, the use of the word "victim" must convey to the jury the court's belief that Ms. White is telling the truth when she testifies she is the victim.

The term "assessing the credibility of the victim," however, conveys an opposite meaning. The jury is told they were to assess Ms. White's credibility. Also, the jurors were told in instruction 3 that they "are the sole judges of the credibility of each witness." (CP 34). Both instructions instruct the jury that the issue of credibility is for the jury to determine. Jurors are presumed to follow the law. *State v. Kirkman,* 159 Wn.2d 918, 937, 155 P.3d 125 (2007).

In CP 45, the jury is being told that certain evidence has been admitted for a limited purpose and the jury is entitled to determine whether Ms. White was credible when she testified about the evidence of other acts. The phrase "assessing the credibility of the victim" is not a comment on the evidence.

"The touchstone of error in a trial court's comment on the evidence is whether the feeling of the trial court as to the truth value of the testimony of a witness has been communicated to the jury." *State v. Lane,* 125 Wn.2d 825, 838, 889 P.2d 929 (1995). The purpose of prohibiting judicial comments on the evidence is to prevent the trial judge's opinion from influencing the jury. *Id.* The phrase "assessing the credibility of the victim" informs the jury that it alone is to review evidence provided for a limited purpose to permit the jury to evaluate the victim's credibility with knowledge of the dynamics of the relationship. *State v. Grant,* 83 Wn.App. 980, 105-06, 920 P.2d 609 (1996). *State v. Magers,* 164 Wn.2d 174, 186, 189 P.3d 126 (2008), accepted this reason for permitting evidence of other acts. The phrase certainly does not indicate, in context, that the trial court wants them to find the victim credible in all aspects of her testimony; that issue is laid out in Instruction 3 ("You are the sole judges of of the credibility of each witness"). The word "assessing" tells the jury it must evaluate her testimony in terms of the other incidents. The

term, in context, does not communicate the truth value of Ms. White's testimony. It correctly tells the jury it must assess her credibility as it relates to being in a domestic relationship.

Moreover, any error in using the term "victim" in one limiting instruction is harmless in light of the testimony presented to the jury. *State v. Zimmerman,* 135 Wn.App. 970, 146 P.3d 1224 (2006) (harmless error test applies to improper judicial comments). There is no question Ms. White was a victim of an assault in violation of the protection order. Ms. White testified that she obtained a protection order. She testified that less than a month later, Mr. Stigall came to her residence and slammed her head against the side of the house. Mr. Strean testified to some of the incidents. Officer Fernie verified that Ms. White had been assaulted. The evidence is clear beyond a reasonable doubt that Ms. White was assaulted in violation of a protection order. RCW 26.50.110 (4).

ISSUE SIX

Did the trial court err when it admitted evidence of other acts in violation of the protection order?

RESPONSE

The trial court clearly understood why evidence of other acts was admissible, admitted evidence to establish the dynamics of the relationship and correctly limited the 404 (b) evidence to only four incidents.

I. Standard of Review: Admission of evidence for 404 (b) purposes is

reviewed for an abuse of discretion. *Magers,* 164 Wn.2d 181, 189 P.3d 126.

II. Analysis: To admit evidence of a defendant's other wrongs, the trial court must (1) find by a preponderance of the evidence that the wrongs occurred; (2) identify the purpose for which the evidence is sought to be introduced; (3) determine whether the evidence is relevant to prove an element of the crime with which the defendant is charged; and (4) weigh the probative value of the evidence against its prejudicial effect. *State v. Baker,* 162 Wn.App. 468, 473, 259 P.3d 270 (2011), *rev. denied,* 173 Wn.2d 1004, 268 P.3d 942 (2011).

The trial court admitted evidence of other acts for limited purposes:

> In other words, these are, while they're isolated in terms of time, the methods employed, the place they occur, either on foot or by bike, the calling of names, the very minor damage to property is a common scheme and thread throughout these 4 incidents, which also applies to the incident in question. So, for those 2 reasons, the proof of intent and knowledge and the proof of common scheme and plan, I am going to admit the testimony with the understanding that the alleged victim is not going to be allowed to testify about anything that is outside of her personal knowledge or observations.

(RP 30).

Previous disputes or quarrels are admissible to prove intent by showing the relationship between the accused and the victim. *State v. Powell,* 126 Wn.2d 244, 261, 893 P.2d 615 (1995). In this case, the jury

was entitled to know enough to understand why a person riding his bicycle past Ms. White's house would assault her. Had the trial court not admitted evidence of other crimes, the jury would not know Mr. Stigall's intent when he approached Ms. White.

The trial court indicated the knowledge evidence could be admitted through proof of the relationship because "the State may be able to establish knowledge of the existing protections that were in place" (RP 29). Nothing from the other acts showed Mr. Stigall had knowledge of the order, so there is no error.

The trial court properly admitted other acts as part of a common scheme or plan. Evidence that an individual devises a plan and uses it regularly to perpetrate separate but very similar crimes is admissible to explain the perpetrator's actions. *State v. Gresham,* 173 Wn.2d 405, 422, 269 P.3d 207 (2012). In the present case, Mr. Stigall intended to continually harass Ms. White by making contact at her house. Ms. White was assaulted in one of those contacts. Without information about Mr. Stigall's repeated contacts, the jury would have been left wondering about why – out of the blue – he decided to assault her.

The trial court did not minimize the importance of evidence of other acts, nor did the court fail to understand why other acts are necessary in the domestic area:

> I think it's important to note that a domestic violence assault case is very different and very unique from most of the other felony counts that we see in superior court where the relationship between the parties is really irrelevant and immaterial. Past acts are usually irrelevant and immaterial, but in the DV violation of protection order arena, it's one unique area where the relationship between the parties legally is not only part of the crime or element of the crime but the relationship in a general sense is the setting in which the criminal acts are alleged to have occurred, and that makes it very different in the Court's opinion.

(RP 28-9). The trial court clearly explained that the evidence he would permit was to establish an element of a domestic violence crime and to ensure the jury had sufficient evidence to understand the dynamics of the relationship. No matter what label the court put on the evidence, it was properly admitted to establish the relationship and dynamics that led up to and continued after the protection order was obtained and Ms. White was assaulted.

It is also incorrect to state that the trial court did not measure the issue of prejudice against Mr. Stigall:

> First, let me say this preliminarily, I'm not inclined to allow hundreds of, even dozens of undocumented, uncorroborated incidents from the alleged victim. What I'm looking at is the 4 specific items where there is a 911 call, there are reports, there is some corroboration that these incidents did in fact happen. I assume your testimony in this would come in through Mrs. White?
> ...
> All right, well, we're not going to go in to the undocumented incidents, that is impossible to anybody to challenge or cross examine or do anything else about.

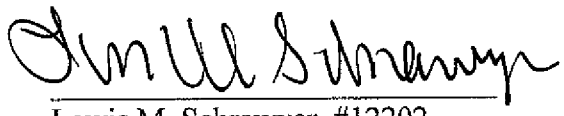
(RP 21-22). The trial court was well aware of the danger of unfair prejudice to Mr. Stigall if it allowed a series of incidents that are otherwise undocumented. Case law permits evidence of undocumented incidents to provide the jury with enough information to evaluate the dynamics of a relationship. *Grant,* 83 Wn.App. at 105-06, 920 P.2d 609. Yet, the trial court limited the evidence even farther to documented incidents to permit Mr. Stigall a greater ability to challenge the evidence. There is no error in admitting evidence of other acts.

CONCLUSION

Most clearly, the evidence of the assault in violation of a protection order is sufficient beyond a reasonable doubt. There were no errors that in any manner detracted from the State's proof that Mr. Stigall assaulted Ms. White after she had obtained a domestic violence protection order. The State requests that the appellate court affirm the conviction.

Respectfully submitted this 9th day of December, 2013.

DEBORAH KELLY, Prosecutor

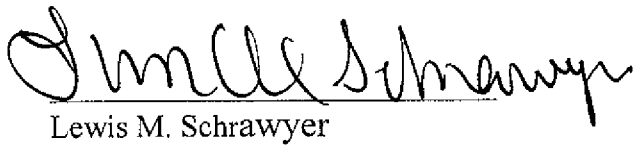


Lewis M. Schrawyer, #12202
Deputy Prosecuting Attorney
Clallam County

CERTIFICATE OF DELIVERY

Lewis M. Schrawyer, under penalty of perjury under the laws of the State of Washington, does hereby swear or affirm that a copy of this document was forwarded electronically or mailed to backlundmistry@gmail.com on 12/9 2013.

DEBORAH KELLY, Prosecutor



Lewis M. Schrawyer

APPENDIX A

FILED
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2012 OCT 16 A 9:28
BARBARA CHRISTENSEN

SCANNED

OFFICE OF THE SHERIFF OF CLALLAM COUNTY, WASHINGTON
SHERIFF'S RETURN OF SERVICE

Wednesday, October 10, 2012

State of Washington)
) ss
County of Clallam)

Sheriff's No: 12000820

Cause No: 12-2-900-0

TAMMIE WHITE vs. LARRY MICHAEL STIGALL

Rec'd From:
Court: CLALLAM COUNTY SUPERIOR COURT

I, W.L. Benedict, Sheriff in and for said County and State, do hereby certify that I have received the annexed:
ORDER TEMPORARY PROTECTION, PETITION, NOTICE OF HEARING REISSUANCE

on 10/5/2012 and that I served the same on 10/5/2012 at 3:22 PM within the County of Clallam, State of Washington, as follows on: LARRY MICHAEL STIGALL
by serving the within named person a true copy of the pleadings by delivering to and leaving with the said individual personally.

Address Served: 223 E 4TH STREET CLALLAM COUNTY JAIL PORT ANGELES, WA 98362

Served By: RICHARD BRAY C255

Dated at Port Angeles, Washington, Wednesday, October 10, 2012
I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Sheriff's Fees

W.L. Benedict, Sheriff
Clallam County, Washington
By: _____
Deputy Sheriff

CLALLAM COUNTY PROSECUTOR

December 09, 2013 - 2:00 PM

Transmittal Letter

Document Uploaded: 447312-Respondent's Brief.pdf

Case Name: State v. Stigall

Court of Appeals Case Number: 44731-2

Is this a Personal Restraint Petition? Yes ■ No

The document being Filed is:

Designation of Clerk's Papers Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: ____

Answer/Reply to Motion: ____

■ Brief: __Respondent's__

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: ____
Hearing Date(s): _____

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: _____

Comments:

No Comments were entered.

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